

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.128 OF 2023

SANJIV K. SIMEPURSAKAR

... Petitioner

Versus

**THE STATE OF GOA THR. CHIEF SECRETARY
AND 4 ORS**

... Respondents

Shri Terence Sequeira, Advocate for the Petitioners.

Shri Devidas Pangam, Advocate General with Mr. Shubham Sinai Priolkar, Additional Government Advocate for Respondents No.1, 2 and 4.

**CORAM: M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATED: 6th MARCH, 2023.

P.C.:

1. Heard Shri Terence Sequeira, learned Counsel for the petitioner and Shri Devidas Pangam, learned Advocate General with Mr. Shubham Sinai Priolkar, learned Additional Government Advocate for respondents No.1,2 and 4.

2. For the order that we proposed to make, notice is not necessary to the other respondents.

3. The petitioner seeks implementation of GCZMA's order dated 24/12/2018. However, the learned Advocate General has placed before us a order of the National Green Tribunal (NGT) dated 03/04/2019 disposing of respondents No.5a to 5e's challenge to the GCZMA order

dated 24/12/2018.

4. The operative portion of the NGT order at paragraph 13 reads as follows:

“13. We did not find any reason to interfere with the Impugned Order passed by the authority below and there is no merit in the appeal and the same is liable to be dismissed, in the result the appeal is dismissed. But it will not affect the right of the appellant, if he got any right to get the construction regularized under any law for the time being imposed, to the authorities in accordance with law.”

5. The learned Advocate General now states that the respondents No.5a to 5e, in pursuance of the liberty granted to them, have filed an application seeking regularization. He states that the GCZMA will dispose of this application in accord with law within two months from today. Depending upon such decision, the GCZMA will take steps in accordance with law.

6. On recording the learned Advocate General's statement and directing the GCZMA to act accordingly, we dispose of this petition. However, we make it clear that we have not gone into the issue whether regularization is permissible or not in law. Similarly, nothing in this order is intended to affect the petitioner's right to question the NGT's order, should the petitioner desire to do so.

7. If the GCZMA ultimately decides that no regularization is permissible or possible, then, within three months steps should be taken to implement the order dated 24/12/2018, which, in any case, now appears to attend the finality qua the appellant before the NGT.

8. With the above directions, this petition is disposed of.

9. There shall be no order to costs.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

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